UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,350	08/22/2003	John Overton	11958-60	8364

757 7590 09/29/2009

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER	
PULLIAM, CHRISTYANN R	
ART UNIT	PAPER NUMBER
2165	
MAIL DATE	DELIVERY MODE
09/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/646,350	OVERTON ET AL.	
	Examiner	Art Unit	
	Christyann RF Pulliam	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 June 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-6,13,14 and 17-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-6,13,14 and 17-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/3/2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3-6, 13-14 and 17-21 are pending. No amendments have been made in the response filed June 3, 2009.

2. The prior rejection using Weider is withdrawn. This non-final office action is based on new grounds of rejection.

3. Information Disclosure Statement filed June 3, 2009 has been considered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 3-6, 13-17 and 19-21 are rejected under 35 U.S.C. 103(a) as being anticipated by Experton, U.S. Patent No. 5,995,965 (hereinafter Experton) in view of Yates et al., U.S. Patent No. 6,167,438 (hereinafter Yates) and in further view of Hoover et al., U.S. Patent No. 5,724,575 (hereinafter Hoover).

As for Claim 1, Experton teaches:

A method for indexing data in a network based on unique identifiers, the method comprising:

establishing a unique location identifier for each of a plurality of data generating devices on the network, the unique location identifier for identifying a network location of each of the plurality of data generating devices in the network (See e.g. Experton – remote processing unit data – col. 8, lines 29-46 and col. 9, lines 15-20 – remote network address of the needed remote processing facility and col. 9, lines 49-52 - remotei);

registering the unique location identifier of each of the plurality of data generating devices on at least one server connected to the network when each respective one of the data generating devices is first used on the network (See e.g. Experton – central list of user information sites – col. 6, lines 11-20, col. 5, lines);

establishing a unique identifier for data generated by the plurality data generating devices (See e.g. Experton –sub-addresses - col. 8, lines 29-46 and col. 9, line 53-col. 10, line 10);

registering the unique identifier for data generated by the plurality of data generating devices on the at least one server, wherein registering the unique identifier further comprises the at least on server associating the unique identifier with a first unique location identifier on a data generating device (See e.g. Experton – central list of user information sites – col. 6, lines 11-20 and col. 6, lines 38-45); and

the at least one server associating, the unique identifier with a second unique location identifier of the data generating device in response to a change in a location of the data generating device (See e.g. Experton – col. 6, lines 12-20 and col. 8, lines 59-66);…

receiving a query from a client machine at one of the servers, wherein the query is for the data generated by the plurality of data generating devices and the query is based on the unique identifier (See e.g. Experton – client is portable access device - col. 4, line 10-50, query/requests for data based on identifiers - col. 8, lines 21-65 and col. 9, lines 10-45);

the one of the servers, in response to the query received from the client machine, querying at least one parent server of the one of the servers until the second unique location identifier associated with the unique identifier is found, the at least one parent server included in the servers (See e.g. Experton – network address data - col. 4, line 10-50, query/requests for data based on identifiers - col. 8, lines 21-65 and col. 9, lines 10-65);

transmitting the second unique location identifier to the client machine in response to the query received at the one of the servers (See e.g. Experton – network address data - col. 4, line 10-50, query/requests for data based on identifiers - col. 8, lines 21-65 and col. 9, lines 10-65); and

the data generating device transmitting data generated by the data generating device to the client machine directly over a peer-to-peer connection established in

response to transmitting the second unique location identifier to the client machine (See e.g. Experton – direct two way communication - col. 10, lines 1-20) .

Experton does not expressly describe a tree structure. However, Yates teaches providing a plurality of servers in a tree structure, the at least one server included in the tree structure (See e.g. Yates – Figure 1, col. 3, lines 22-29, col. 5, line 65- col. 7, line 8). Yates also teaches direct, peer-to-peer, client-server communication (See e.g. Yates – Figure 3, col. 6, lines 17-30) and queries (See e.g. Yates – Figures 4-5, col. 6, lines 31-37, col. 9, lines 1-7 – requests and queries).

Experton and Yates are from the analogous art of distributed networked data access. It would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Experton and Yates to have combined Experton and Yates. The motivation to combine Experton and Yates is to show that servers can be set up in the common tree structure. Both Experton and Yates are providing access to data that is stored across a network without regard for the type or form of the data. Experton and Yates both also provide for levels of security in access different data across the network. Yates adds details about the structure of the network and the directory service to the address system of Experton. Therefore, it would have been obvious to one of ordinary skill in the art to have combined Experton and Yates.

Experton does not expressly teach a change in a location of the data generating device. However, Hoover more expressly teaches the at least one server associating, the unique identifier with a second unique location identifier of the data generating device in response to a change in a location of the data generating device (See e.g.

Hoover – Figures 6-7 and 14-16 and 29 - changing locations of data devices, unique ids are the remote database numbers and OBJIDs for instances of service provides, col. 18, line 50- col. 19, line 5, col. 22, lines 20- 64, col. 24, lines 40-65, col. 34, line 50-col. 38, line 61- description of figures for updates). Hoover also teaches unique identifiers assigned at first use (See e.g. Hoover – ADD, col. 28, line 65- col.29, line 45) and queries based on location identifiers (See e.g. Hoover – Figures 13 and 28, col. 28, lines 29-64, col. 30, lines 50-col. 31, lines 60).

The combination of Experton and Yates and Hoover are from the analogous art of distributed networked data access. It would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Experton and Yates and Hoover to have combined Experton and Yates and Hamala. The motivation to combine Experton and Yates and Hoover is to expand the details of the mapping of data objects and locations. Experton and Yates and Hoover are providing access to data that is stored across a network without regard for the type or form of the data. Experton and Hoover both also provide for levels of security in access different data across the network. Hoover provides details about the association of data and location that the access in Experton. Therefore, it would have been obvious to one of ordinary skill in the art to have combined Experton and Yates and Hoover.

As for Claim 3, Experton as modified by Yates and Hoover teaches parent Claim 1. Experton also teaches further comprising storing the unique identifier on a token (See e.g. Experton col. 4, lines 38-50 and col. 5, lines 15-33).

As for Claim 4, Experton as modified by Yates and Hoover teaches parent Claims 1 and 3. Experton also teaches further comprising the user using the token for subsequent uses of any of the plurality of data generating devices (See e.g. Experton col. 4, lines 38-50 and col. 5, lines 15-33 and col. 10, lines 3-20).

As for Claim 5, Experton as modified by Yates and Hoover teaches parent Claim 1. Experton also teaches further comprising retrieving data generated by one of the plurality of data generating devices by manipulating the unique identifier associated with that data wherein the data generated is medical data concerning the user (See e.g. col. 9, line 10 – col. 10, line 20).

As for Claim 6, Experton as modified by Yates and Hoover teaches parent Claim 1 and 5. Experton also teaches wherein the unique identifier is transmitted to the at least one server data (See e.g. Experton – col. 9, line 28- col. 10, line 20).

As for Claim 13, Experton teaches:

A method for storing establishing and retrieving data based on a plurality of unique identifiers global indices and a plurality of unique location identifiers maintained in at least one server in a network, the network including having a plurality of data generating devices, the method comprising:

registering the unique location identifier of each of the plurality of data generating devices on the network on the at least one server when the data generating devices are first used on the network (See e.g. Experton – central list of user information sites – col. 6, lines 11-20), wherein each one of the unique location identifiers identifies a location of a corresponding one of the data generating devices on the network (See e.g. Experton – remote processing unit data – col. 8, lines 29-46 and col. 9, lines 15-20 – remote network address of the needed remote processing facility and remotei, sub-addresses - col. 8, lines 29-46 and col. 9, line 53-col. 10, line 10);

generating a unique data identifier at a respective one of the plurality of data generating devices for data generated at the respective one of the plurality of data generating devices when the data is created (See e.g. Experton –sub-addresses - col. 8, lines 29-46 and col. 9, line 53-col. 10, line 10);

the at least on server storing an association of the unique data identifiers and the unique location identifiers of each of the plurality of data generating devices that generated the data identified by the unique data identifier (See e.g. Experton – central list of user information sites – col. 6, lines 11-20 and col. 6, lines 38-45 and col. 8, lines 59-66); and

the at least one server changing an association of a unique identifier and a first unique location identifier of a data generating device to an association of the unique identifier and a second unique location identifier of the data generating device in response to changing a network location of the data generating device (See e.g. Experton – col. 6, lines 12-20 and col. 8, lines 59-66);…

receiving a query from a client machine at one of the servers, wherein the query is for data generated by the data generating device and the query is based on the unique identifier (See e.g. Experton – client is portable access device - col. 4, line 10-50, query/requests for data based on identifiers - col. 8, lines 21-65 and col. 9, lines 10-45);

the one of the servers, in response to the query received from the client machine, sending a request to at least one parent server of the one of the servers until the unique identifier is found, the at least one parent server included in the servers (See e.g. Experton – network address data - col. 4, line 10-50, query/requests for data based on identifiers - col. 8, lines 21-65 and col. 9, lines 10-65);

transmitting the second unique location identifier to the client machine in response to the query received at the one of the servers (See e.g. Experton – network address data - col. 4, line 10-50, query/requests for data based on identifiers - col. 8, lines 21-65 and col. 9, lines 10-65); and

the data generating device transmitting data generate by the data generating device to the client machine directly over a peer-to-peer connection created in response to transmitting the second unique location identifier to the client machine (See e.g. Experton – direct two way communication - col. 9, lines 10-55 and col. 10, lines 5-20).

Experton does not expressly describe a tree structure. However, Yates teaches providing a plurality of servers in a tree structure, the at least one server included in the tree structure (See e.g. Yates – Figure 1, col. 3, lines 22-29, col. 5, line 65- col. 7, line 8). Yates also teaches direct, peer-to-peer, client-server communication (See e.g.

Yates – Figure 3, col. 6, lines 17-30) and queries (See e.g. Yates – Figures 4-5, col. 6, lines 31-37, col. 9, lines 1-7 – requests and queries).

Experton does not expressly teach a change in a location of the data generating device. However, Hoover more expressly teaches the at least one server associating, the unique identifier with a second unique location identifier of the data generating device in response to a change in a location of the data generating device (See e.g. Hoover – Figures 6-7 and 14-16 and 29 - changing locations of data devices, unique ids are the remote database numbers and OBJIDs for instances of service provides, col. 18, line 50- col. 19, line 5, col. 22, lines 20- 64, col. 24, lines 40-65, col. 34, line 50-col. 38, line 61- description of figures for updates). Hoover also teaches unique identifiers assigned at first use (See e.g. Hoover – ADD, col. 28, line 65- col.29, line 45) and queries based on location identifiers (See e.g. Hoover – Figures 13 and 28, col. 28, lines 29-64, col. 30, lines 50-col. 31, lines 60).

The motivation to combine Experton, Yates and Hoover is above with Claim 1.

As for Claim 14, Experton as modified by Yates and Hoover teaches parent Claim 13. Experton also teaches wherein the plurality of data generating devices comprise client entities (See e.g. Experton – col. 2, line 17-col. 3, line 5, col. 4, lines 40-50 and col. 5, lines 15-25).

As for Claim 17, Experton as modified by Yates and Hoover teaches parent Claim 13. Experton also teaches further comprising adding new data to the network by

creating a new association of another unique data identifier to a unique location identifier of an appropriate one of the plurality of data generating devices (See e.g. Experton – col. 8, lines 30-51, col. 5, line 56-col 6, line 20 and col. 6, lines 39-50).

As for Claim 19, Experton as modified teaches parent Claim 13. Experton also teaches further comprising updating data in the network by modifying the association of a unique data identifier and the second unique location identifier (See e.g. Experton – col. 6, lines 1-20 and col. 9, lines 39-48 and col. 10, lines 3-20 and col. 11, lines 15-35).

As for Claim 20, Experton teaches:

A computer readable medium containing computer executable code for indexing data in a network based on unique identifiers, the computer executable code comprising instructions for:

receiving a unique identifier generated by a data generating device in response to the data generating device first generating data on the network (See e.g. Experton – sub-addresses - col. 8, lines 29-46 and col. 9, line 53-col. 10, line 10);

registering the unique identifier for the data generated by the data generating device, wherein registering the unique identifier further comprises associating the unique identifier with a unique location identifier, and the unique location identifier identifies a location of the data generating device in the network (See e.g. Experton – central list of user information sites – col. 6, lines 11-20 and col. 6, lines 38-450); and

associating the unique identifier with a second unique location identifier of the data generating device in response to changing the location of the different data generating device (See e.g. Experton – col. 6, lines 12-20 and col. 8, lines 59-66);

one of a plurality of servers receiving a query from a client machine at, wherein the query is for the data generated by the data generating device (See e.g. Experton – client is portable access device - col. 4, line 10-50, query/requests for data based on identifiers - col. 8, lines 21-65 and col. 9, lines 10-45);

the one of the servers querying, in response to the query received from the client machine, at least one parent server of the one of the servers to find the second unique identifier, the at least one parent server included in the servers… (See e.g. Experton – network address data - col. 4, line 10-50, query/requests for data based on identifiers - col. 8, lines 21-65 and col. 9, lines 10-65);

transmitting the second unique location identifier to the client machine after receiving a response to the query sent to the at least one parent server (See e.g. Experton – network address data - col. 4, line 10-50, query/requests for data based on identifiers - col. 8, lines 21-65 and col. 9, lines 10-65); and

transmitting data generated by the data generating device from the data generating device to the client machine over a connection created between the data generation device and the client machine after transmitting the second unique location identifier to the client machine (See e.g. Experton – direct two way communication - col. 10, lines 1-20) .

Experton does not expressly describe a tree structure. However, Yates teaches the servers arranged in a tree structure (See e.g. Yates – Figure 1, col. 3, lines 22-29, col. 5, line 65- col. 7, line 8). Yates also teaches direct, peer-to-peer, client-server communication (See e.g. Yates – Figure 3, col. 6, lines 17-30) and queries (See e.g. Yates – Figures 4-5, col. 6, lines 31-37, col. 9, lines 1-7 – requests and queries).

Experton does not expressly teach a change in a location of the data generating device. However, Hoover more expressly teaches associating the unique identifier with a second unique location identifier of the data generating device in response to a change in a location of the data generating device (See e.g. Hoover – Figures 6-7 and 14-16 and 29 - changing locations of data devices, unique ids are the remote database numbers and OBJIDs for instances of service provides, col. 18, line 50- col. 19, line 5, col. 22, lines 20- 64, col. 24, lines 40-65, col. 34, line 50-col. 38, line 61- description of figures for updates). Hoover also teaches unique identifiers assigned at first use (See e.g. Hoover – ADD, col. 28, line 65- col.29, line 45) and queries based on location identifiers (See e.g. Hoover – Figures 13 and 28, col. 28, lines 29-64, col. 30, lines 50-col. 31, lines 60).

The motivation to combine Experton, Yates and Hoover is above with Claim 1.

As for Claim 21, Experton as modified by Yates and Hoover teaches parent Claim 20. Experton also teaches further comprising instructions for automatically detecting and integrating spontaneously added data generating devices at the at least

one server (See e.g. Experton – continuous and automatic updates - col. 11, lines 51-65 and col. 11, lines 15-35).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Experton in view of Yates and in further view of Hoover as applied to claim 13 above, and in further view of Hamala et al., U.S. Patent No. 5,345,586 (hereinafter Hamala).

As for Claim 18, Experton as modified by Yates and Hoover teaches parent Claim 13. Experton teaches updates to data but does not expressly address removing data from the network. However, Hamala teaches further comprising removing data from the network by deleting the association of the unique data identifier and the second unique location identifier (See e.g. Hamala – col. 4, lines 2-23 – delete rules, col. 4, line 62-col. 5, line 8 – mapping and col. 5, line 37- col. 6, line 10 – deleting).

Experton and Hamala are from the analogous art of networked data access. It would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Experton and Hamala to have combined Experton and Hamala. The motivation to combine Experton and Hamala is explain deleting of data not just updating. Both Experton and Hamala are providing access to data that is stored across a network without regard for the type or form of the data. Experton and Hamala both also provide for levels of security in access different data across the network. Hamala explains that data can be deleted and that deleting includes removing

relationship and mapping that are associated with that data. Therefore, it would have been obvious to one of ordinary skill in the art to have combined Experton and Hamala.

Response to Arguments

7. Applicant's arguments, filed June 3, 2009, with respect to the dates of the Weider reference and the current application have been fully considered and are persuasive. Examiner apologizes for the error. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yates et al., U.S. Patent No. 6,167,438 (filing date May 1997).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christyann RF Pulliam whose telephone number is (571)270-1007. The examiner can normally be reached on M-F 9 am-6 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached on 571-272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. R. P./
Examiner, Art Unit 2165
September 24, 2009

/Neveen Abel-Jalil/
Supervisory Patent Examiner, Art Unit 2165